

The Board of Commissioners for the County of Lee, acting pursuant to G. S. 153A-125, does ordain:

SECTION 1. Definitions. Unless the context otherwise requires, the following words and phrases, for the purpose of this Ordinance, shall have the following meaning:

(a) A "peddler" is a person who travels from place to place with an inventory of goods, who sells the goods at retail or offers the goods for sale at retail, and who delivers the identical goods he carries with him.

(b) An "itinerant merchant" is a merchant, other than a merchant with an established retail store in the county, who transports an inventory of goods to a building, vacant lot, or other location in the County and who, at that location, displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

(c) A "flea market" is a location, other than a permanent retail store, where space is rented to others for the purpose of selling goods at retail or offering goods for sale at retail.

(d) A "flea market operator" is a person who rents space, at a location other than a permanent retail store, to others for the purpose of selling goods at retail or offering goods for sale at retail.

(e) A "flea market vendor" is a merchant, other than a merchant with an established retail store in the County, who transports an inventory of goods to a flea market and who, at that location, displays the goods for sale and sells the goods at retail or displays the goods for sale and sells the goods at retail or offers the goods for sale at retail.

(f) "County" means within the exterior limits of the County of Lee, State of North Carolina.

(g) "Person" includes any individual, firm co- partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or other group, or combination acting as a unit, body politic, or political subdivision, whether public, private, or quasi-public and the plural as well as the singular number.

SECTION 2. Every person proposing to conduct, carry on or pursue the business of a peddler, itinerant merchant, flea market, flea market operator, or flea market vendor in the County shall make application to the County for a permit to do so. The applicant shall pay a nonrefundable \$25.00 application fee at the time of the application. The application shall remain on file for a minimum of two weeks before the permit can be

issued. During the two week period, the applicant's background shall be investigated by the Sheriff's Department of Lee County. Following this investigation, if the application is approved, the applicant must submit proper credentials and proof of financial stability. If the application is approved and the permit issued, the applicant shall pay an additional fee of \$75.00 at the time the permit is issued and the permit shall be valid for one year only.

SECTION 3. No peddler or itinerant merchant shall go in or on private residences in the County, not having been requested or invited to do so by the owner or occupant thereof for the purpose of soliciting orders for the sale of goods at retail.

SECTION 4. No person shall use any part or parcel of the County's property that is under the jurisdiction or control of the County as a stand or place from which to sell a commodity, goods or produce.

SECTION 5. EXEMPTIONS: This ordinance does not apply to the following:

(a) A peddler, itinerant merchant, or flea market vendor:

1. Who sells only farm or nursery products grown by him;
2. Who sells only crafts or goods made by him;
3. Who sells only his own household personal property;
4. Who is a non-profit charitable, educational, religious, scientific, or civic organization;
5. Who sells printed material, wood for fuel, ice, seafood, meat, poultry, livestock, eggs, dairy products, bread, cakes, or pies; or
6. Who is an authorized automobile dealer licensed pursuant to State law and local ordinances.

(b) A peddler who maintains a fixed permanent location in the County from which he makes at least ninety percent (90%) of his sales, but who sells some goods in the County by peddling.

(c) An itinerant merchant:

1. Who locates at a farmer's market;
2. Who is a part of an agricultural fair which is licensed by the Commissioner of Agriculture pursuant to G. S. 106-520.3;

3. Who sells goods at an auction conducted by an auctioneer licensed pursuant to Chapter 85B of the General Statutes.

(d) A Peddler who complies with the requirements of G.S. 25A-38 through 25A-42 or complies with the requirements of G. S. 14-401-13.

(e) Disabled veterans of World War I and World War II, Vietnam conflict and Korean conflict who have been bona fide residents of this state for 12 or more months continuously and who have made proper application to the Board of Commissioners for such exemption.

(f) Widows with dependent children upon proper application to the Board of Commissioners.

SECTION 6. It shall be a violation of this ordinance for a person to:

1. Fail to obtain a permit as required by this ordinance;
2. Knowingly give false information in the application process for the permit;
3. To fail to possess or display such permit while engaged in the business of that of a peddler, itinerant merchant, flea market operator;
4. Violation of this ordinance is a misdemeanor under G. S. 14-4 and the person violating the ordinance may be fined not more than \$50.00 or imprisoned for not more than 30 days.

SECTION 7. This Ordinance shall be effective as of July 10, 1989.

NORTH CAROLINA, LEE COUNTY
Presented for registration on the 14 day
August 1989 at 2:58 P.M.
recorded in Book 2 page 102
Nellie W Thomas, Register of Deeds